IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MACON COUNTY INVESTMENTS, INC. and REACH ONE, TEACH ONE OF AMERICA, INC.,	)	
Plaintiffs,	)	
v.	)	**Civil Action No.: 3:06-cv-224-WKW**
SHERIFF DAVID WARREN, in his official capacity as the SHERIFF OF MACON COUNTY, ALABAMA,	)	
Defendant.	)	

PLAINTIFFS' MOTION TO PERMIT THIRD-PARTY DISCOVERY

COME NOW the Plaintiffs, Macon County Investments, Inc. and Reach One, Teach One of America, Inc. and hereby moves this Court to allow a subpoena upon a third party.

1. On August 15, 2006, the Plaintiffs deposed the Defendant Sheriff David Warren.

2. During the course of the deposition, the Defendant stated that he had not received any gifts, campaign contributions, or payments for personal services from Milton McGregor, the owner of the sole location where bingo conducted in Macon County, Alabama.

3. Plaintiffs' Counsel produced a copy of the front side of a check from Milton McGregor to the Defendant. The Defendant had no knowledge of the check.

4. Plaintiffs' seek a third-party subpoena upon Sterling Bank, the bank upon which the check was drawn, to obtain the endorsement side of the check. The proposed subpoena is attached to this Motion as Exh. 2.

5. This Court's June 26, 2006 Order granted the Plaintiffs' Motion for the Commencement of Early Discovery on a limited basis, which did not include a provision for third-party discovery.

6. However, the discovery needed from Sterling Bank is essential to the Plaintiffs' claims of bias and ill-will in the promulgating of his rules regarding bingo in Macon County. These issues are at the heart of the Plaintiffs' likelihood of success on the merits of their claims against the Defendant.

7. Additionally, the Plaintiffs move this Court to shorten the time period for which the third party would have to respond to the subpoena in light of the August 31, 2006 deadline for discovery.

WHEREFORE PREMISES CONSIDERED, the Plaintiffs respectfully request that this Court allow them to serve the third-party subpoena upon Sterling Bank and shorten the time for which the bank must respond.

Respectfully Submitted,

/s/ Ramadanah M. Salaam-Jones

KENNETH L. THOMAS (THO 043)
RAMADANAH M. SALAAM-JONES (SAL 026)

OF COUNSEL:
THOMAS, MEANS, GILLIS & SEAY
3121 Zelda Court (36106)
P.O. Box 5058
Montgomery, Alabama 36103-5058
(334) 270-1033 (phone)
(334) 260-9396 (fax)

GARY A. GRASSO
ADAM R. BOWERS

OF COUNSEL:
GRASSO DUNLEAVY, P.C.
7020 County Line Road
Suite 100
Burr Ridge, Illinois 60527
(630) 654-4500 (phone)
(630) 355-4646 (fax)

Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon all counsel of record via this Court's electronic filing system on this the 16th day of August, 2006.

Fred D. Gray
Fred D. Gray, Jr.
GRAY, LANGFORD, SAPP,
MCGOWAN, GRAY & NATHANSON
P.O. Box 830239
Tuskegee, Alabama 36083-0239
(334) 727-4830 (phone)
(334) 727-5877 (fax)

/s/ Ramadanah M. Salaam-Jones

OF COUNSEL